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WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

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WRITER'S DIRECT DIAL NUMBER

FACSIMILE
(202) 429-7049

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(202) 828-4452

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

93-252

Dear Mr. Secretary:

The attached "Matrices of Commenters' Positions" was served on several members of the Commission staff, pursuant to Section 1.1206(a)(1) of the Commission's Rules, 47 C.F.R. § 1.1206(a)(1). In accordance with Section 1.1206(a)(1), I am enclosing an original and one copy of the "Matrices of Commenters' Positions" to be included in the record in GN Docket No. 93-252.

Respectfully submitted,

Karen Kincaid
Karen A. Kincaid
of
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
(202) 429-7000

Enclosures

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**MATRICES OF COMMENTERS' POSITIONS
(REFLECTING BOTH OPENING AND REPLY COMMENTS)**

**NOTICE OF PROPOSED RULEMAKING ON
REGULATORY PARITY**

GN DOCKET 93-252

**R. Michael Senkowski
Robert J. Butler
Suzanne Yelen
Karen A. Kincaid
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
(202) 429-7000**

FOREWORD

On October 8, 1993, the FCC released a Notice of Proposed Rule Making soliciting comment on numerous proposals aimed at implementing Sections 3(n) and 332 of the Communications Act as amended by the Omnibus Budget Reconciliation Act of 1993.¹ In response to the Notice, the Commission received approximately seventy-seven comments and some fifty reply comments.

In addition to the in-depth summaries of the opening comments, we have prepared the attached encapsulated summaries in matrix form. We have not prepared in-depth summaries of the reply comments because on reply, most parties essentially restated their initial positions. The positions of parties commenting for the first time on reply are reflected in the matrices.

The matrices are divided into major issues presented in the rule making, and list the names of those commenters that generally adopted the positions indicated. It should be noted that, because of space and time constraints dictated by the extremely abbreviated nature of the matrix format, the parties' positions are expressed in a severely truncated form. Because the parties' complete comments on many of the issues are extremely complex, this format may not fully reflect the commenters' views. Moreover, a party's designation as supporting or opposing a particular identified issue does not necessarily imply that it has or has not taken a position on any other issue. Additionally, very brief references to some positions may have been omitted. Accordingly, in all cases, it is critical to review the actual text of each filing.

¹ In re Implementation of Sections 3(n) and 332 of the Communications Act, GN Docket No. 93-252 (released October 8, 1993).

CMS DEFINITION - WHAT CONSTITUTES A "FOR PROFIT" OFFERING

Support Premising "For Profit" Determination on Basis of Service as a Whole	Internal/Shared Use Is Not "For Profit"	Sale of Excess Capacity at a profit is "For Profit"	Sale of Excess Capacity at a Profit is not "For Profit"	For-Profit Manager of shared system renders system "For Profit"	For-Profit Manager does not render system "For Profit"	Alternative Proposals
ARINC API Arch Bell Atlantic BellSouth CTIA GCI GTE Motorola (look to primary offering) NARUC New York DPS NexTel NYNEX Pennsylvania PUC Securicor Southwestern Bell Sprint TDS Telocator	ARINC AMTA API APCO (governmental shared) AAR (internal) DC PSC (time sharing) EF Johnson GTE (internal) ITA (shared) Lower Colorado River MTEL Motorola (internal) NABER NexTel NYNEX (internal) Pacific Bell & Nevada Bell (internal) Pennsylvania PUC PageNet (internal) Rochester (shared) Rockwell Securicor Southwestern Bell (internal) TDS Telocator (internal) USTA US West (internal) UTC	Bell Atlantic DC PSC McCaw NYNEX Pacific Bell & Nevada Bell PageNet Rochester Rockwell Southwestern Bell Sprint TDS Telocator USTA Vanguard	API (may resell less than 50% without being reclassified) Motorola (ancillary use will not render license CMS) NexTel UTC (less than 50%)	Bell Atlantic BellSouth McCaw MTEL Pacific Bell & Nevada Bell Rochester (all shared use systems) Sprint TDS (may render system for profit; must examine on case-by-case basis) Vanguard	EF Johnson Motorola NexTel Roamer One (FCC lacks jurisdiction over non-license managers) Securicor UTC	NABER (for profit determined by primary not ancillary undertaking) NYNEX (suggests analysis similar to that used to determine tax-exempt status) Rockwell (new and experimental not for profit; for profit only when rates are set to earn a profit) TDS, Southwestern Bell (for profit if any aspect of the service is for profit) USTA ("for profit" means receipt of compensation) US WEST (based on intent to profit) BellSouth (only government services and entities organized solely for non-profit purposes are not for profit)

CMS DEFINITION - "INTERCONNECTED SERVICE"

"Interconnected Service" Includes Direct or Indirect Access to PSN	Store-and-forward is interconnected	Indirect Access through Store-and-forward is not interconnected	"PSN" is Limited to Traditional Definition of "PSTN"	Support Expanding Definition of PSN to include wireless	Oppose Expanding Definition of PSN to include wireless	"Interconnected Service" does not include access to the PSN solely for transmitter control	Alternative Proposals
<p>AMTA AAR (interconnected service must be provided to customer) Arch Bell Atlantic BellSouth CTIA DC PSC GTE McCaw Motorola NABER (except solely for transmitter control) New York DPS NYNEX Pacific Bell & Nevada Bell PacTel Paging PageNet Pennsylvania PUC Rochester Securicor (except solely for transmitter control) Sprint (use of service provides access, user need not control) TDS Telocator US West Vanguard</p>	<p>Arch Bell Atlantic BellSouth CTIA DC PSC GTE McCaw MCI MTel NABER NARUC NexTel NYPSC PacTel Paging PageNet Radiofone Roamer One Rochester Southwestern Bell Sprint USTA US West</p>	<p>American Paging Grand Broadcasting NYNEX PageMart Rockwell TDS TRW</p>	<p>AMTA BellSouth GTE McCaw Motorola New York DPS PageNet Rockwell (includes data) Southwestern Bell TDS Telocator TRW UTC</p>	<p>NexTel New York DPS NYNEX Pacific Bell & Nevada Bell Pennsylvania PUC Sprint</p>	<p>GTE McCaw Telocator (would introduce unnecessary complications)</p>	<p>DC PSC NABER PRS Group Securicor Southwestern Bell UTC</p>	<p>AAR (interconnection alone does not warrant classification as CMS) Geotek (interconnected when interconnected traffic exceeds 20% of offering) NYNEX (key is customer ability to control "offnet access") Pacific Bell and Nevada Bell (an entity is offering interconnected service if it: (1) makes use of the North American Numbering Plan; (2) has access through a gateway to signalling for call or non-call data that supports the PSN; or (3) has access to national databases that support the PSN) PacTel Corp. (only those services offering subscribers direct access are interconnected) RAM ("interconnection" is defined as the ability to send messages to and receive messages from telephones on the PSN) Roamer One (customer perception is key) AAR, NexTel, UTC (end-user must directly control access to PSN; interconnected services does not include private line services) Waterway (automatic interconnection is not feasible for maritime services, but should not disqualify from CMS categorization)</p>

CMS DEFINITION - SERVICE AVAILABLE TO THE PUBLIC

"Service Available to the Public" Includes Services with Few or Limited Eligibility Restrictions	Capacity is a Relevant Consideration	Capacity is not a Relevant Consideration	Geographic Limitation is a Relevant Consideration	Geographic Limitation is not a Relevant Consideration	Service to Single Industry or Group is a Relevant Consideration	Service to Single Industry or Group is not a Relevant Consideration	Alternative Proposals
ARINC Arch BellSouth McCaw MTEL Motorola NABER New York DPS NexTel NYNEX Pacific Bell & Nevada Bell PacTel Corp. PageNet Pennsylvania PUC Southwestern Bell (access is key independent of eligibility restrictions)	AMTA EF Johnson	Arch Bell Atlantic CTIA GTE McCaw Motorola MTEL NYNEX Pacific Bell & Nevada Bell PacTel Paging PageNet Pennsylvania PUC Rochester Southwestern Bell Sprint TDS Telocator USTA US West UTC Vanguard Waterway	GTE NexTel Reed, Smith Roamer One	Bell Atlantic Geotek McCaw MTEL Pacific Bell & Nevada Bell Rochester Southwestern Bell Sprint TDS US West USTA UTC Vanguard	AAR AMTA DC PSC EF Johnson Geotek ITA McCaw Motorola NexTel NYNEX PacTel Corp. PacTel Paging Reed, Smith Roamer One Securicor TDS UTC	MPX Systems McCaw US West	BellSouth (if the class of eligible users exceeds 5% of the population in the service area, the service is "effectively available" to public) US West (provision to "broad" classes of users not required to be CMS)

CMS DEFINITION - COMMERCIAL MOBILE SERVICE vs. PRIVATE MOBILE SERVICES

"Functional Equivalence" Language Expands CMS Classification	"Functional Equivalence" Language Expands Private Mobile Service Classification	Support "Like Services" or Similar Analysis to Ascertain Functional Equivalence	Support Consideration of Technological Factors to Determine Functional Equivalence	Oppose Consideration of Technological Factors to Determine Functional Equivalence	Alternative Proposals
Bell Atlantic BellSouth CTIA GCI McCaw MTEL NARUC New York DPS NexTel NYNEX PacTel Corp. Pennsylvania PUC Rochester Southwestern Bell Sprint TDS USTA US West Vanguard	Advanced Mobilecomm AMTA EF Johnson Geotek ITA Lower Colorado River NABER PageMart PRS Group RAM Reed, Smith Roamer One Time Warner TRW UTC	AMTA Arch CTIA DC PSC GTE McCaw MTEL NARUC NexTel NYNEX PacTel Corp. PacTel Paging Pennsylvania PUC Southwestern Bell TDS	EF Johnson Motorola NABER	NYNEX PRS Group Rochester	API (should look at primary use to determine whether CMS or private) Motorola (should apply test on a case-by-case basis; should be broad enough to encompass numerous factors) NexTel (functional equivalence language could limit or expand either category) NABER (case-by-case analysis may create uncertainty) Southwestern Bell (definition of private mobile services is limited to internal, government and public safety uses) US West (opposed to frequency re-use as a precondition to treatment as functional equivalent) UTC (functional equivalence test should be broad enough to encompass numerous factors)

CLASSIFICATION OF EXISTING SERVICES

Cellular Services are CMS	PCPs and RCCs are CMS	PCPs and RCCs are Private	ESMRs are CMS	Wide-area SMRs are CMS	Traditional SMRs are Private	Traditional SMRs are CMS	Mobile Satellite Service is CMS	Mobile Satellite Service is Private	Alternative Proposals
AMTA Arch Bell Atlantic BellSouth CTIA Grand Broadcasting Motorola NARUC Southwestern Bell TDS	Arch Bell Atlantic CTIA DC PSC McCaw MTEL Motorola NABER (PCPs) NARUC New York DPS NexTel Pacific Bell & Nevada Bell PacTel Paging (PCPs) Pennsylvania PUC PageNet Radiofone Southwestern Bell Telocator USTA UTC	American Paging NYNEX (PCPs if use store-and-forward) PageMart TDS (PCPs)	AMTA Arch Bell Atlantic CTIA GTE MTEL Motorola NARUC NYNEX Pennsylvania PUC ("SMRs") Rochester Southwestern Bell TDS USTA Vanguard	AMTA Arch Bell Atlantic CTIA DC PSC NexTel NYNEX Pennsylvania PUC ("SMRs") Rochester TDS USTA Vanguard	AMTA EF Johnson Geotek ITA Motorola NABER NexTel NYNEX RAM Reed, Smith	Arch Bell Atlantic CTIA (if interconnected) MTEL Pacific Bell & Nevada Bell TDS (if publicly available)	AMSC (if end users; key is to regulate all providers the same) Arch MTEL Rockwell (licenses are CMS, resellers are private)	AMSC DC PSC Motorola (retain current scheme) NYNEX (retain current scheme) Starsys (retain current scheme) TRW (retain current scheme; only to end users is CMS) Vanguard (retain current scheme)	ARINC (Part 87 Aviation Services are private) Metricom (AVM systems are CMS; unlicensed PCS and Part 15 equipment are not mobile and therefore are not CMS) North Pittsburgh (IMTS should be classified as private) Mobile Marine, Waterway (public coast stations are CMS) PacTel Paging (supports classifying all mobile services as either narrowband (paging, narrowband PCS, conventional SMRs or wideband (broadband PCS, Cellular, ESMRs)) PN Cellular (should require grandfathered private systems to be operational by 8/10/93) Roamer One (supports case-by-case classification of 220 MHz systems; only CMS if compete directly with 800 and 900 MHz SMRs) US West (providers of mixed services should be CMS) RAM (some ancillary cellular services are private)

SERVICE FLEXIBILITY

Support Service Flexibility for PCS Licensees	Oppose Service Flexibility for PCS Licensees	Support Services Flexibility for other CMS Licensees (if Available for PCS)	Oppose Service Flexibility for CMS Licensees Generally	Support Removal of Dispatch Prohibition	Oppose Removal of Dispatch Prohibition	Must Have Transition Period for Removal of Dispatch Prohibition	Alternative Proposals
Advanced Mobilecomm Century Corp. Tech. Partners CTIA GTE McCaw Motorola NABER Nat'l Tele. Coop. Ass'n New York DPS NYNEX PacTel Corp. PageMart Roamer One TDS Telocator Time Warner (presume private) TRW UTC (on separate frequency blocks)	AMTA Ameritech California PUC DC PSC GCI MCI NARUC (preferably not) NexTel Pacific Bell & Nevada Bell Pennsylvania PUC (prefer CMS only) RCA Southwestern Bell (private as sideline only) Sprint USTA (majority CMS) Vanguard (initially all CMS)	American Paging BellSouth Bell Atlantic Century GTE McCaw NYNEX PacTel Corp. PacTel Paging PageMart Rochester Southwestern Bell (private as sideline only) TDS Telocator TRW (MSS) UTC (either/or, not both) RAM	California PUC GCI MCI (address in separate proceeding) NexTel Pacific Bell & Nevada Bell	Bell Atlantic BellSouth CTIA GTE Independent Cellular Network, Inc. McCaw MCI (all CMS) New Par NYNEX ITA McCaw Mobile Marine PacTel Corp. PN Cellular Two-Way Raio RCA (for all CMS) Southwestern Bell Sprint Telocator TDS US West UTC	AMTA EF Johnson	AMTA Geotek ITA Motorola NABER NexTel	AMSC (confirm that MSS can provide dispatch) CTIA (opposes Time Warner's proposed presumption that PCS is private) RCA (any CMS use makes all use of spectrum by a license CMS) Waterway (maritime licensees should be able to continue providing dispatch service)

TITLE II FORBEARANCE

Support Forbearance from Tariff Regulation for CMS Providers	Oppose Forbearance from Tariff Regulation	Support Forbearance from Reporting, and Related Recordkeeping Sections of Title II	Support Forbearance from Enforcement of Title II Consumer Protection Provisions	Oppose Forbearance from Enforcement of Consumer Protection Provisions	Support Imposition of Special Requirements on CMS Affiliates of Dominant Carriers	Oppose Imposition of Special Requirements on CMS Affiliates of Dominant Carriers	Alternative Proposals
AMTA AMSC Arch Bell Atlantic BellSouth CTIA Cencall (ESMRs) Century Comcast (except LBC-affiliated) Cox GCI (except dominant) GTE McCaw Mobile Marine (except public coast stations affiliated with connecting carriers) MTEL Motorola NABER (open entry services) Nat'l Tele. Coop. Ass'n New Par NexTel NYNEX Pacific Bell & Nevada Bell PacTel Corp. PacTel Paging (paging and narrowband PCS) PageMart (if paging is CMS) PageNet PN Cellular REG Rochester RCA Saco River Tele. Co. Southwestern Bell Sprint TDS Telocator TRW US West Vanguard Waterway (but, should be able to file desired)	California PUC NABER (Commission should exercise oversight where there's some market influence) NCRA New York DPS Pennsylvania PUC (not for all CMS)	AMTA AMSC Arch Bell Atlantic BellSouth CTIA CenCall (ESMRs) Century GTE MTEL Mobile Marine Motorola Nat'l Tele. Coop. Ass'n NexTel Pacific Bell & Nevada Bell PageMart (if paging is CMS) PageNet PN Cellular RCA Rochester Southwestern Bell Sprint (agrees with FCC recommendations) TDS Telocator TRW US West Vanguard Waterway	AMTA Arch Bell Atlantic BellSouth CTIA CenCall (ESMRs) Century GTE In-Flight Motorola Nat'l Tele. Coop. Ass'n Mobile Marine (§§ 225, 226) RVC Service (do not apply TOCSIA to Gulf of Mexico Service Area Cellular Providers; alternatively, require compensation for payphone usage) PageMart (if paging is CMS) PageNet PTC Cellular (TOCSIA) Rochester TDS (§ 226) Telocator TRW Vanguard Waterway (§§ 225, 226)	California PUC GCI Sprint	Bell Atlantic (supports imposition of special requirements on AT&T in interexchange market) BellSouth (supports imposition of separate subsidiary requirements on AT&T and McCaw if mergers approved) Comcast Cox GCI (no forbearance from Title II) In-Flight Mobile Marine (no tariff forbearance for public coast stations affiliated with connecting carriers)	Ameritech AMSC AT&T Bell Atlantic (in context of local service) Century GTE McCaw NYNEX (should also eliminate existing structural separation requirements for BOCs) OPASTCO Pacific Bell & Nevada Bell Puerto Rico Tele. Co. Rochester Southwestern Bell Sprint TRW USTA (and supports removal of existing separate subsidiary requirements for RBOCs)	Grand Broadcasting (IXC- based EDI VAN operators should be subject to ONA requirements) NexTel (should apply appropriate safeguards to prevent cross-subsidization; should adjust regulatory mix to allow new entrants to become effective competitors) Pacific Bell & Nevada Bell (require unbundling of interLATA and local wireless services)

INTERCONNECTION RIGHTS								
Support Establishment of Co-carrier Rights for CMS Providers	Support Establishment of Co-carrier Rights for Private Mobile Service Providers	Support Establishment of Right of Interconnection To and Among CMS Providers	Oppose Establishment of Right of Interconnection to CMS Providers	Support Expanding Interconnection Rights of Private Mobile Services Providers	Support Establishment of Co-carrier Interconnection Rights for PCS Providers	Support Pre-emption of State Regulation of Interconnection	Oppose Pre-emption of State Regulation	Support Tariffing of Interconnection Rates
Arch Century Comcast GCI (for PCS) GTE MCI (also supports Cox unbundling proposal) Motorola NABER NexTel NYNEX Pacific Bell & Nevada Bell PageNet Radiofone RIG TDS (but not resellers) Telocator US West Vanguard	AMTA Celpage NABER PacTel Paging (paging) PageMart (paging) PageNet	Arch Bell Atlantic (but not to switch for resellers) GCI Grand Broadcasting (ONA-type) MCI (mutual compensation, provision of access to mobile location databases to TXC carriers) NCRA NexTel (supports MCI's approach) Pacific Bell & Nevada Bell TRW USTA US West Vanguard (only to terminate messages)	Century CTIA GTE (no need at present) McCaw New Par NexTel PacTel Corp. (no blanket requirement; only on case-by-case basis) PageNet (paging) PN Cellular TDS (except for roaming) Southwestern Bell Sprint (no record at present)	American Paging (all paging should be co-carrier) Motorola RAM Telocator	Corp. Tech. Partners GCI MCI Time Warner	AMTA Cox DC PSC McCaw Nat'l Tele. Coop. Ass'n (LEC provision; no position on rates) New Par NexTel NYNEX PacTel Paging (federally protected right of interconnection) PageMart PageNet Southwestern Bell Time Warner TDS (supports preemption of physical interconnection, not rates) TRW US West (supports preemption of physical interconnection, not rates) Vanguard	BellSouth (decide interconnection on case-by-case basis) MCI (charges) NARUC NCRA (not unless equal access is imposed) New York DPS Pacific Bell & Nevada Bell Pennsylvania PUC Puerto Rico Tele. Co. (not intrastate LEC; FCC authority not extend beyond §2(b)) US West (opposes preemption of rates)	Cox Comcast (cost-based, unbundled) PageMart

(continued on next page)

INTERCONNECTION RIGHTS (continued)

Oppose Tariffing of Interconnection Rates	Support Imposition of Equal Access Obligations on CMS Providers	Oppose Imposition of Equal Access Obligations on CMS Providers	Alternative Proposals
Pacific Bell & Nevada Bell	Bell Atlantic BellSouth California PUC Corp. Tech. Partners (PCS) GCI MCI NARUC PTC Cellular Southwestern Bell Radiofone MCI	Arch CTIA Century Comcast (except LECs) Cox GTE Illinois Valley Cellular P'ships Liberty In-Flight (air-to-ground) McCaw Mobile Marine (in maritime marketplace) NexTel NYNEX Pacific Bell & Nevada Bell (except if not removed from RBOCs) Pacific Telecom PacTel Corp. PN Cellular Org. for Prof. & Advancement of Small Tele. Cos. Sprint TDS US West (should be decided in separate proceeding)	Bell Atlantic (no interconnection rights for resellers) BellSouth (interconnection evaluated individually) Comcast, Cox (unbundling) Cox (unbundled, cost-based, ONA- type interconnection for CMS) MCI (questions authority to expand private interconnection rights) McCaw (should not reduce LEC obligations, should not increase CMS) Pacific Bell & Nevada Bell (supports some rights between CMS and from CMS to LEC, but does not advocate physical or virtual collocation) Southwestern Bell (resellers are not CMS and not entitled to interconnection to switch or wholesale rates) Time Warner (mutual compensation) TRW (PCS + MSS should have federally protected right to interconnect) USTA (customers will benefit from interconnection of mobile services to network; record does not support unbundling of any aspect of the exchange carrier network)

PRE-EMPTION OF STATE REGULATION OF CMS PROVIDERS		
Support Establishment of Strong Presumption in Favor of Pre-emption	Support Adoption of Procedures Enabling States to Regulate	Alternative Proposals
Bell Atlantic CTIA Century Cox GTE McCaw Motorola NABER NYNEX PacTel Corp. PageMart Rochester RCA Sprint Telocator Time Warner TRW	California PUC DC PSC Pennsylvania PUC	NARUC (states able to demonstrate that CMS is a substitute for landline service should not also have to demonstrate market impact) NCRA (standard of review of state petitions should be generous enough to ensure that states can fulfill statutory obligations) Southwestern Bell (reject DCPSC proposal)